

FROM THE CARTEL TO A FIRST-TIME USER

The Challenges of Drug Prosecution in an
Opioid Epidemic







INDIANA CRIMINAL CODE - 2014

| LEVEL | MINIMUM | ADVISORY | MAXIMUM |
|---------------|----------|------------|-----------|
| Murder | 45 years | 55 years | 65 years |
| Level 1 | 20 years | 30 years | 40 years |
| Level 2 | 10 years | 17.5 years | 30 years |
| Level 3 | 3 years | 9 years | 16 years |
| Level 4 | 2 years | 6 years | 12 years |
| Level 5 | 1 year | 3 years | 6 years |
| Level 6 | 6 months | 1 year | 2.5 years |
| Class A Misd. | 0 days | | 365 days |
| Class B Misd. | 0 days | | 180 days |



SENTENCES

- Indiana Department of Correction
- Marion County Community Corrections
 - Work Release
 - Home Detention / GPS
- Probation



SUSPENDABILITY

- Suspendable = Judge may sentence defendant to an executed sentence less than the minimum penalty required by statute
- The legislature determines which offenses carry “suspendable” sentences



2014 CRIMINAL CODE REVISION

3.5 grams (“eight ball”) of cocaine + prior Theft/FD conviction

- 2013 = minimum 20 years DOC
- 2015 = maximum 6 DOC, fully suspendable



HABITUAL OFFENDER

- Additional penalty based on criminal history
 - Three Level 6 prior convictions
 - Two prior convictions (one Level 6 + one major)



DRUG RECOGNITION



MARIJUANA







Nocho

elms

Gizmo

Rebo

Elrael

Junior

Gouch



COCAINE



COCAINE

POWDER (COCAINE BASE)



“CRACK” COCAINE







digit7

HEROIN





12/03/2012



METHAMPHETAMINE



METHAMPHETAMINE

HOMEMADE



LABRATORY





THE DRUG TRADE





Vaseline

intensive care
cocoa radiant
with pure cocoa butter
Heals dry skin
to reveal its natural glow

NAUTICA

MDwise

Your HP POWER Account Statement is inside

OUTLINER II
COATED TRIMMER

andis

OUTLINER II
COATED TRIMMER

andis

Occur

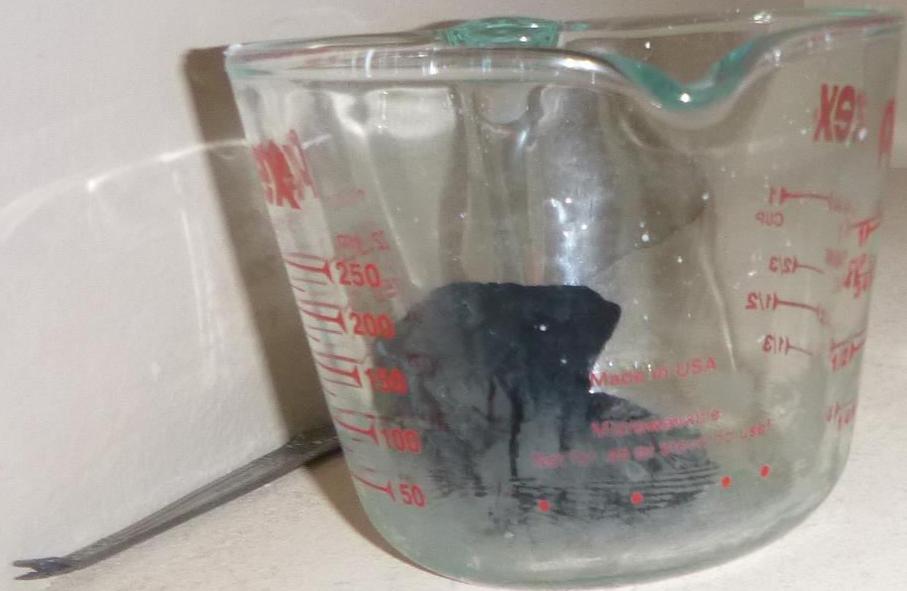
FOLD TOP
SANDWICH BAGS

FOLD TOP
SANDWICH BAGS

150 BAGS

\$1





The Original
Can't Sleep?
Take **Dormin**[®]
WITH
DIPHENHYDRAMINE
HYDROCHLORIDE
Dormin[®]
THE NIGHTTIME SLEEP-AID
FAST SAFE EFFECTIVE
Contains
72 Capsules

Dormin[®]
DIPHENHYDRAMINE
HYDROCHLORIDE
Keep out of reach of children.
Do not use if you are taking other
drugs that may interact with
this medicine. Ask your doctor
if you are taking any other
medicines, especially those
needed for an allergic reaction.
12 years of age. Older adults
may be more sensitive to the
effects of this medicine.
Directions: Follow the
directions on the label.
ATTENTION: SEALING
CAPSULES BEARING THIS
MARKING ARE NOT
SEALING FOR YOUR
PROTECTION. THESE
ARE NOT SEALS.
Made in the USA

digit^z









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FAST SAFE EFFECTIVE
Contains
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Dormin[®]
DIPHENHYDRAMINE
HYDROCHLORIDE
Keep out of reach of children.
Do not use if you are taking other
drugs that may interact with
this medicine. Do not use if you
are pregnant or breastfeeding.
Do not use if you have had an
allergic reaction to any of the
ingredients or if you are allergic
to any of the ingredients listed
above. Do not use if you have
ever had a seizure or if you have
any other medical condition.
Do not use if you are taking
any other medicine that contains
diphenhydramine.
Do not use if you are taking
any other medicine that contains
anticholinergics.
Do not use if you are taking
any other medicine that contains
sedatives.
Do not use if you are taking
any other medicine that contains
antidepressants.
Do not use if you are taking
any other medicine that contains
antipsychotics.
Do not use if you are taking
any other medicine that contains
antibiotics.
Do not use if you are taking
any other medicine that contains
antifungals.
Do not use if you are taking
any other medicine that contains
antivirals.
Do not use if you are taking
any other medicine that contains
chemotherapy.
Do not use if you are taking
any other medicine that contains
immunosuppressants.
Do not use if you are taking
any other medicine that contains
anticoagulants.
Do not use if you are taking
any other medicine that contains
diuretics.
Do not use if you are taking
any other medicine that contains
beta-blockers.
Do not use if you are taking
any other medicine that contains
calcium channel blockers.
Do not use if you are taking
any other medicine that contains
ACE inhibitors.
Do not use if you are taking
any other medicine that contains
angiotensin II receptor antagonists.
Do not use if you are taking
any other medicine that contains
statins.
Do not use if you are taking
any other medicine that contains
nitroglycerin.
Do not use if you are taking
any other medicine that contains
nitrofurantoin.
Do not use if you are taking
any other medicine that contains
sulfonamides.
Do not use if you are taking
any other medicine that contains
tetracyclines.
Do not use if you are taking
any other medicine that contains
macrolides.
Do not use if you are taking
any other medicine that contains
glycopeptides.
Do not use if you are taking
any other medicine that contains
antibacterials.
Do not use if you are taking
any other medicine that contains
antifolates.
Do not use if you are taking
any other medicine that contains
antimetabolites.
Do not use if you are taking
any other medicine that contains
antitumor agents.
Do not use if you are taking
any other medicine that contains
antineoplastic agents.
Do not use if you are taking
any other medicine that contains
antiviral agents.
Do not use if you are taking
any other medicine that contains
antifungal agents.
Do not use if you are taking
any other medicine that contains
antiparasitic agents.
Do not use if you are taking
any other medicine that contains
antipneumococcal agents.
Do not use if you are taking
any other medicine that contains
antibacterial agents.
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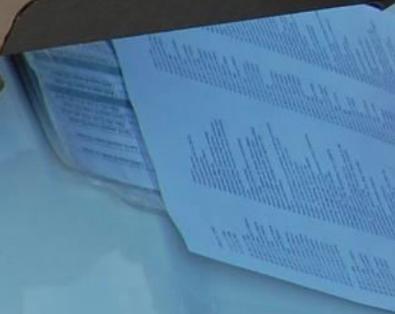
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Fluorid



A VICTIMLESS CRIME?









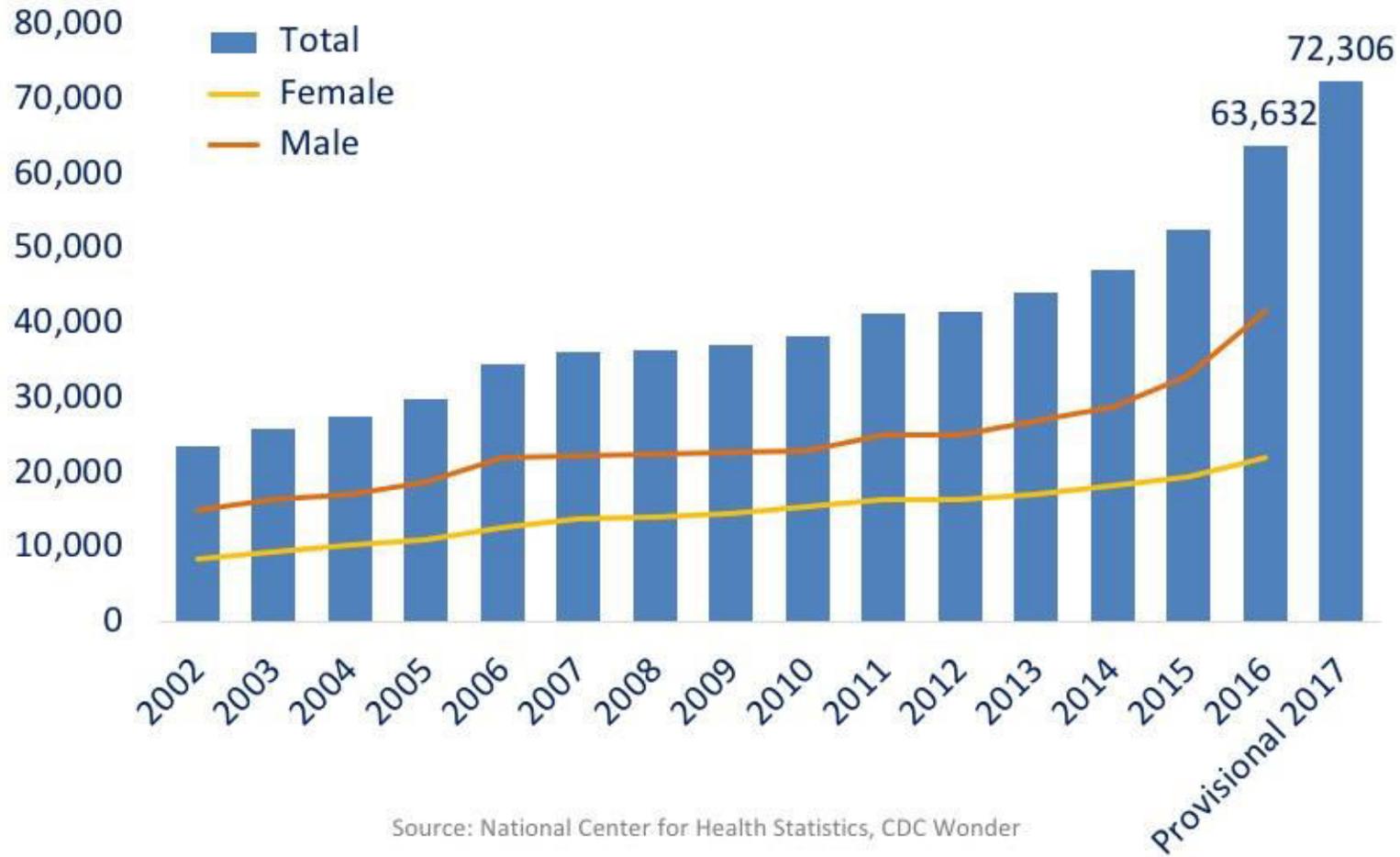
A PUBLIC HEALTH CRISIS





National Overdose Deaths

Number of Deaths Involving All Drugs

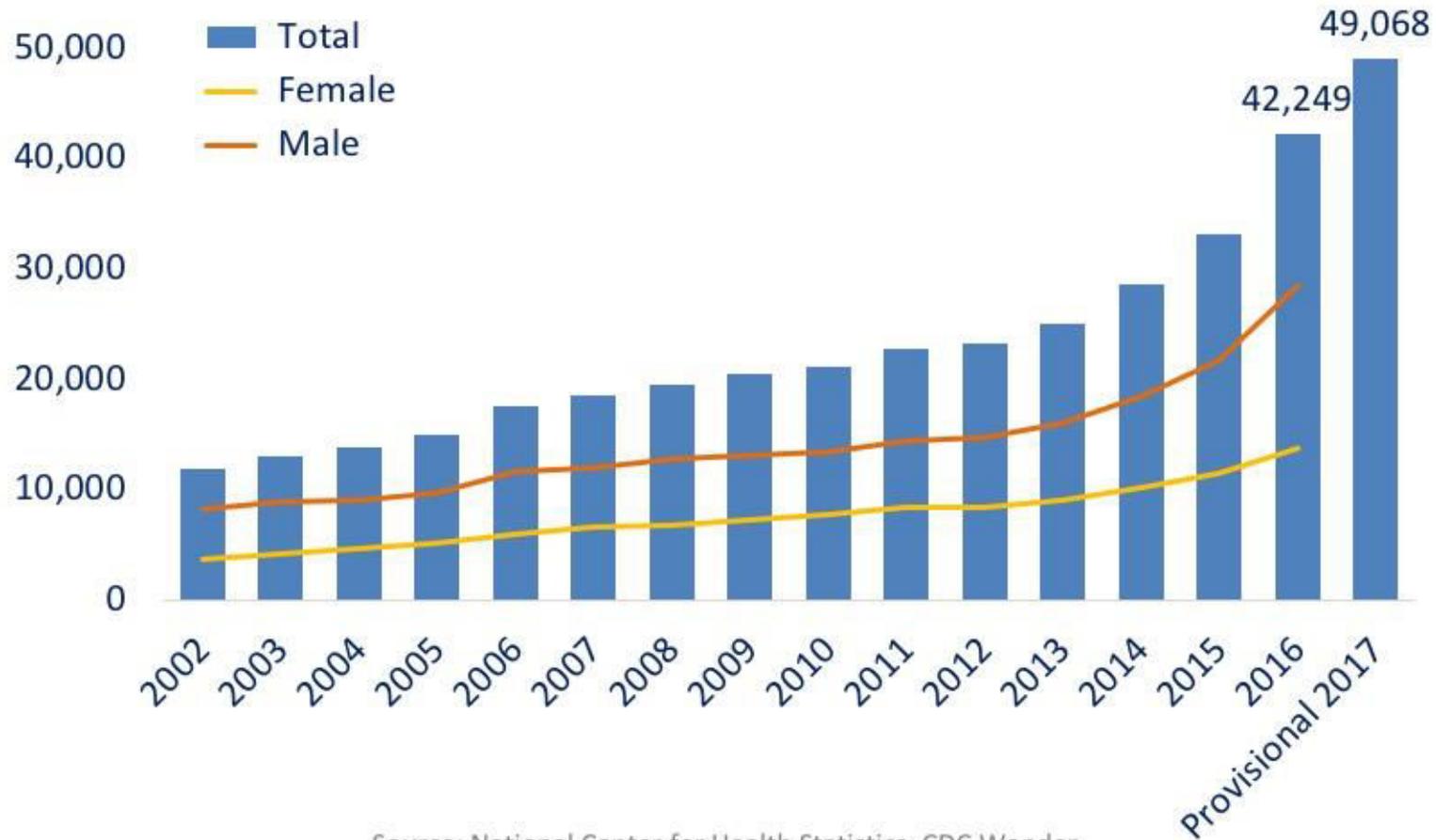


Source: National Center for Health Statistics, CDC Wonder



National Overdose Deaths

Number of Deaths Involving Opioids



Source: National Center for Health Statistics, CDC Wonder

POLICE STRATEGIES



INVESTIGATION STRATEGIES

- Search Warrant
 - Controlled buys using confidential informant
- Hand-to-Hand Transactions
 - Controlled buys using undercover detective



NEXUS TO VIOLENCE

- Violent criminal history
- Eligible for firearms possession offenses
- Ties to ongoing violent crime



PROSECUTION STRATEGIES



MARION COUNTY PROSECUTOR'S OFFICE

- 183 Deputy Prosecuting Attorneys
 - 31 handling drug crimes



COURT ORGANIZATION

- Major felony drug dealing
 - Criminal Courts 20 & 21
- Minor felony drug possession
 - Criminal Courts 14 & 25



2017 CASE FILINGS

- 877 drug dealing cases (cocaine, heroin, & meth)
- 2826 drug possession cases
- 1393 syringe cases



DRUG TREATMENT COURT

PHASE 1: ASSESSMENT

- 8 -12 weeks minimum
- Detoxification, planning
- Weekly court
- Random screenings
- Treatment sessions

PHASE 2: RELAPSE PREVENTION

- 12 -16 weeks minimum
- Stabilization; mental/physical health
- Bi-weekly court
- Random screenings
- Treatment sessions

PHASE 3: MAINTENANCE

- 5 – 7 months minimum
- Continued recovery
- Monthly court
- Random screenings
- Treatment sessions



DRUG TREATMENT COURT

- “Opt-in” period; screened by Prosecutor
- 124 active participants
- Long period of perfect compliance required for advancement
 - 90 days for graduation
- 39 graduates for 2018



FAST-TRACK DIVERSION

- Speedy resolution of first-time, non-violent offenders
- Focus on Syringe/F6 cases as a pilot program
- Self-evaluation and exposure to treatment opportunities
- Goal: resolve cases within 70 days of arrest



QUESTIONS?

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